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SUBJECT: KENYA POLICE OVERVIEW: PART ONE

REF: NAIROBI 480

Classified By: Ambassador Michael Ranneberger, Reasons 1.4 b,d

¶1. (C) Summary: This cable is the first in a three-part series on the police in Kenya. This cable provides an overview of police structure and leadership, and assesses the strengths and weaknesses of the main police agencies. Part two will summarize our recent and planned engagement with and assistance to Kenyan law enforcement agencies. Part three will discuss current challenges facing police agencies, progress to date on police reform, and how best to engage with the law enforcement sector in furtherance of U.S. policy goals.

¶2. (C) Kenya has three main law enforcement agencies: the Kenya Police Service (KPS), the Kenya Administration Police (AP), and the Kenya Wildlife Service (KWS). Other civilian agencies also play a role in promoting security or have some law enforcement functions, including the Kenya Revenue Authority (KRA, charged with enforcing customs regulations), the National Security and Intelligence Service (NSIS), and the Kenya Prisons Service. Following the post-election violence and other operations in 2008, civilian-police relations are currently poor. Police officers are generally underpaid, undertrained, underequipped, and suffer from low morale. Practices dating from the Moi era and earlier continue, including the use of security forces to suppress political dissent and restrict fundamental constitutional rights such as freedom of assembly and freedom of speech. Many regions of Kenya suffer from chronic insecurity due to tribal and cross-border conflict with unstable neighbors such as Somalia and Sudan; police are generally ill-prepared to handle these conflicts. Crime continues to rise as the economic consequences of the global recession hit home. End summary.

THE KENYA POLICE SERVICE

¶3. (C) The Kenya Police Service (KPS) dates back to the late nineteenth century, when it was affiliated with the Imperial British East Africa Company. When Kenya became a British protectorate in 1920, the modern KPS was created. It now encompasses a variety of units, including the Criminal Investigation Department (CID), the General Services Unit (GSU) or SWAT/paramilitary unit, and other specialized units, including the Anti-Terrorism Police Unit, Anti-Stock Theft Unit, the Anti-Narcotics Unit, the traffic police, the

airports police, and the tourism police. It currently employs approximately 35,000 officers nationwide. The KPS is the only law enforcement agency with the criminal investigation mandate; if other police agencies such as the Administration Police encounter evidence of a crime, they must preserve it and may detain suspects until KPS officers can take over the case. The KPS motto, "utumishi kwa wote" or "service to all" is viewed with cynicism by most Kenyan citizens, as corruption is rampant and police often serve to facilitate rather than deter crime. The KPS suffers from lack of adequate funding, a consequence of the poor working relationship between the Police Commissioner and the current and former Ministers of Internal Security. Due to budget cuts, officers are issued only one uniform and frequently lack gas for police vehicles and other essentials necessary to do their job.

#### POLICE COMMISSIONER ALI

¶4. (C) The KPS has been headed by Police Commissioner Major General Mohamed Hussein Ali since 2003. While Ali nominally reports to the Minister of State for Internal Security and Provincial Administration (Minister of Internal Security), he generally operates without consulting the Minister and often reports directly to the presidency. He is one of the few high-level political appointees who can call and speak directly to Kibaki and his staff without running a gauntlet of aides charged with restricting access to the President. A career military officer of ethnic Somali origin, Ali was appointed by Kibaki during his first term as an outsider to the police organization who would tackle the need for urgent

NAIROBI 00001167 002 OF 003

reforms within the KPS, including the removal of a number of corrupt officers. Prior to his appointment, Ali had no civilian policing experience. Perhaps predictably given his reform mandate, Ali was unpopular with the ranks within KPS almost from the moment he took office. The rift between Ali and the rank and file has since been exacerbated by his dictatorial and micro-managing leadership style. In fact, Ali has not carried out meaningful reforms. Credible information links Ali to extrajudicial killings. He reportedly enjoys the protection of President Kibaki's wife Lucy, an influential and powerful figure in the President's inner circle.

#### THE KENYA ADMINISTRATION POLICE

¶5. (C) The Kenya Administration Police (AP) originated in 1902 with the enactment of the Village Headman Ordinance by the colonial authorities. The Ordinance was designed to facilitate grass roots-level surveillance and control of the local population. It also enabled tax collection, control of livestock movements, regulation of agriculture, labor, and social issues, and the maintenance of law and order at the local level, often using traditional dispute resolution measures. Headmen relied on a network of villagers (often tough local youths) to enforce frequently unpopular colonial policies at the local level. These villagers formed the nucleus of the Tribal Police created in 1929. In 1948, amid increasing fear of rebellion and militarization of the local population, the Tribal Police were greatly expanded and officers began carrying weapons. The Tribal Police were deployed by the colonial government to help suppress the Mau Mau rebellion between 1952 and 1960. In 1958, the Administration Police Act created the modern AP. The Commandant of the Administration Police, Kinuthia Mbugua, reports directly to the Minister of Internal Security. In the field, AP officers report to the Provincial Administration Police Commander, who works very closely with the Provincial Commissioner (PC), the highest-ranking government official charged with maintaining law and order and ensuring the enforcement of the central government's policies and laws. Provincial Commissioners are civil servants, appointed by the President to administer Kenya's seven provinces and the Nairobi area.

¶16. (C) The AP works hand in hand with the Provincial Administration civil service hierarchy, starting with Chiefs and District Officers at the location and sub-location levels up through District Commissioners at the sub-regional level to the PC. Today's Chiefs are the descendants of the village headmen empowered by the colonial administration. During the colonial era, village headmen worked closely for the Regional Agents (today's District Officers). This structure has remained largely intact since independence, and its core function remains the same: empowering and informing the central government (as successor to the colonial administration) and ensuring that all Kenya's regions remain well within the government fold. Of course, success varies depending on the working environment. For example, many areas of what is now North Eastern Province (known as the Northern Frontier District during the colonial era) remain largely beyond the long arm of the law.

¶17. (C) One of the AP's strengths is its knowledge of issues and personalities down to the most local level. AP officers live and work very closely with community leaders, elders, and other decision-makers in local communities, and often have a nuanced understanding of grass roots concerns, conflicts, and issues. The AP has benefited from the friction between Commissioner Ali and the Minister of Internal Security; much of the funding cut from KPS has been allocated to AP. An intense rivalry between the two organizations remains, and although KPS still considers itself the superior organization, poor leadership and financial constraints have currently put the AP in the stronger position.

¶18. (C) AP's weaknesses include the extent of the PC's influence over AP personnel, which can lead to the AP being deployed as the PC's private army to suppress unrest and dissent. AP also does not have a criminal investigation mandate, and must call in KPS colleagues to investigate

NAIROBI 00001167 003 OF 003

crimes taking place in AP's jurisdiction. Special areas of responsibility for the AP include border security and protection of government buildings. The AP is also in the process of aggressively expanding its border security capacity, including training dedicated border security units and developing joint patrols with the Kenya Wildlife Service in key areas. (See ref A). The expanded border security mandate will require that AP coordinate closely with specialized Ministry of Defense units being trained in border security operations. It has a Rapid Deployment Unit (RDU) similar in structure and purpose to the KPS' GSU and designed to "respond for a limited duration to any emergency or threat to law and order."

#### THE KENYA WILDLIFE SERVICE

¶19. (C) The Kenya Wildlife Service (KWS) was established by former President Moi in 1990. Its mandate includes protecting biodiversity, protecting and conserving Kenya's wildlife, and managing the country's 35 national parks and reserves. The KWS has three main components: the Veterinary Service, the Community Wildlife Service, which works outside the park system to manage the relationship between wildlife and human populations, and the Security Service, which is responsible for combating illegal poaching and trade in wild animals or animal parts. The Director of the Kenya Wildlife Service, Julius Kipngetich, reports to the Minister of Forestry and Wildlife. The KWS also has a board of trustees who represent a variety of government agencies and civil society. A number of national parks and reserves are located in remote or sensitive border areas and are patrolled by air and land by the KWS. The KWS is the only police service that runs daily aerial patrols of the Kenya-Somalia land border. It also contributes to security at Nairobi's Jomo Kenyatta International Airport by surveilling the runways from observation towers inside adjoining Nairobi National Park. Because KWS is the recipient of all the park fees collected from visitors, it is relatively well-funded. Community

Wildlife Service staff work closely with local communities and are often well-informed about grass roots conflicts and may be early observers of impending local unrest. KWS is generally regarded as the most professional security service in Kenya, and Kipnegetich as a good reputation as a professional manager.

RANNEBERGER